

REMARKS

Claims 3-7 and 15 are pending. Claims 3, 5, 6, 7, and 15 have been amended. In particular, Claims 5, 7, and 15 have been rewritten in independent form as suggested by Examiner. Claims 1-2 and 8-14 have been canceled. Examiner objected to the drawings for being informal drawings. Applicants hereby submit the formal drawings in response to Examiner's objections. Reconsideration in light of the amendments and the following remarks is respectfully requested.

Rejections under 35 U.S.C. §102 (b)

Examiner rejected Claims 1-4, 6, 9-12, and 14 under 35 U.S.C. §102(b), as being anticipated by USPN 5,137,435 to Walton("Walton"), USPN 4,809,731 to Walton, USPN 5,513,963 to Walton. This rejection is respectfully traversed.

With regard to claims 1 and 2, the office action states:

"Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton (USPN 4,809,731)

In figures 8 and 12, Walton et. al., teach a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor 212 driven by a primary fluid steam, a liquid additive injection pump 271 driven by the fluid powered motor 212, and an on/off switch mechanism 370,372,374,376,378,380 coupled to the fluid motor 212 to selectively suspend operation of the fluid powered motor 212.

"Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Walton (USPN 5,513,963).

In figures 1-4 and 9, Walton teaches a system to inject a secondary fluid into a primary fluid, comprising a fluid powered motor 10 driven by a primary fluid steam, a liquid additive injection pump 12 driven by the fluid powered motor 10, and an on/off switch mechanism 124 coupled to the fluid motor 10 to selectively suspend operation of the fluid powered motor 10.

The rejection of claims 1 and 2 is respectfully traversed. Claims 1 and 2, however, have been canceled; therefore such rejection is rendered moot.

Regarding claims 3, 4, and 6, the rejection of claims 3, 4, and 6 is respectfully traversed. In each of those claims, Applicants require as an element “an on/off switch mechanism coupled to the fluid powered motor to selectively suspend operation of the fluid powered motor” wherein “the on/off switch mechanism axially displaces the actuating shaft relative to the housing” (emphasis added) While it is true that the ‘435 reference discloses a rotating handle for selectively stopping the operation of a fluid powered motor, it teaches only that such handle rotates between on and off positions. During the rotation of such handle in the ‘435 reference, the actuating shaft is not axially displaced upwards or downwards as is required in Applicants’ present claims. See *Walton*, ‘435, Figure 5, and column 10, lines 37-68. Applicants therefore respectfully request that the rejection under 35 U.S.C. 102(b) of claims 3, 4, and 6 be withdrawn.

Regarding claims 9-12 and 14, the rejection of claims 9-12 and 14 is respectfully traversed. However, claims 8-14 have been canceled. The rejection of such claims is therefore rendered moot.

Rejections under 35 U.S.C. §103

Examiner rejected Claims 8 and 13 under 35 U.S.C. §103(a), as being unpatentable over Walton (USPN 5,137,435) in view of Flagg et. al. (USPN 3,610,264).

The Office Action states:

Walton teaches all the claimed subject matter except that he doesn't teach the on/off switching mechanism includes visual indicia of it's condition as being "off".

Flagg et. al., in figures 1-4a, teach an on/off switching mechanism 11 that includes visual indicia of it's condition as being "off".

Since Walton and Flagg et al. are analogous art because they are from the same field of endeavor, that is the switching mechanism art, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the switching mechanism of Walton with the indicia as taught by Flagg et. al. for the purpose of visual indication of current position of the switching mechanism.

This rejection is respectfully traversed. However, claims 8 and 13 have been canceled, thus the rejection of claims 8 and 13 under 35 USC 103(a) is rendered moot.

Allowable Subject Matter

Examiner noted that "Claims 5, 7, and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As suggested by Examiner, Applicants have amended claims 5, 7, and 15 so that they include all limitations of their respective base claims and intervening claims. Applicants therefore believe claims 5, 7, and 15 to be in condition for allowance.

CONCLUSION

In light of the amendments and the arguments made by Applicants above. Applicants submit that all existing claims are now in condition for allowance. Applicants respectfully request that Examiner withdraw all rejections with regard to the above-referenced claims in reliance on one or more of the grounds submitted by Applicants.

If there are any outstanding issues that the Examiner feels may be resolved by way of a telephone conference, the Examiner is cordially invited to contact Scott L. Harper or Colin P. Cahoon at 972-367-2001.

The Commissioner is hereby authorized to charge any payments that may be due or credit any overpayments to CARSTENS, YEE & CAHOON, L.L.P. Deposit Account 50-0392.

Date:

Respectfully submitted by:



Scott L. Harper
Registration No. 45,783
CARSTENS, YEE & CAHOON, L.L.P.
P.O. Box 802334
Dallas, TX 75380
(972) 367-2001
(972) 367-2002 Fax

DRAWINGS:

Please replace the previously-submitted informal drawings with the attached formal drawings.